

REMARKS

In response to the Notice dated May 1, 2009, Applicants hereby elects the following species for the invention of Group I (claims 1, 5-10 and 16-18 in part) with traverse.

For species as set out as species A (claim 16) in the Restriction Requirement dated January 22, 2009, Applicants elect SEQ ID NO. 4. For species as set out as species B in in the Restriction Requirement dated January 22, 2009, Applicants elect B(1) as set out on page 8 of the Restriction Requirement.

Applicants assert that the Restriction Requirement has been traversed, because the claims of the present application relate to a single inventive concept under PCT Rule 13.1. In particular, each of the claims relates to the single inventive concept which includes determining the pattern of expression levels of SEQ ID NOS: 51, 87, 159 and 477 or kits which include primers and probes suitable for marker genes having SEQ ID NOS: 51, 87, 159 and 477. All claims directed to this concept have unity of invention.

Accordingly, the Restriction Requirement is improper and should be withdrawn.

Respectfully submitted,

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